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[Reprinted from the Book Notices of the New England Historical and Genealogical Register, for July, 1859.]

*Proceedings of the Massachusetts Historical Society, 1855-1858. Selected from the Records.* Boston: Printed for the Society. 1859. 8vo. pp. 412.

The book before us is issued in a very handsome style, and in many respects does great credit to the institution that has given it to the public. Several points present themselves to us, on which it would give us pleasure to dwell; but we must defer them till another number, as there is one subject here brought forward that demands an immediate notice. We refer to the interference of the Massachusetts Historical Society with the application of our own Society for change of name.

It is known to many of our readers that, in 1858, the New England Historic-Genealogical Society petitioned the General Court of Massachusetts to have its name changed to the New England Historical and Genealogical Society. The change asked for was the addition of the syllable *al* to *Historic*, and the insertion of the conjunction *and*. This petition was opposed by the Massachusetts Historical Society, on the ground that granting it would be an infringement of their corporate rights.

It is a disagreeable task to perpetuate dissensions; but the responsibility for this rests with the Massachusetts Historical Society, not with us. In printing their "Proceedings," they have gone out of their way to impugn the motives of our Society, and to disseminate groundless surmises and erroneous statements. We shall not follow them through their labyrinths of error, but shall merely give a plain statement of facts, for which we have abundant proof. The members of that Society can have no objection, it is presumed, to being held responsible for documents that bear their stamp of approval, and which appear among their proceedings.

The origin and early history of our own Society have been well set forth by Mr. Drake, one of its founders, in the leading article in the Register for January, 1855, to which we would refer our readers for details which we do not give.

Our Society was organized by its present name in December, 1844; and never, as represented in the volume before us, bore the name of the "New England Genealogical Society." It was fairly decided by the originators that the Society should be devoted to the investigation of both history and genealogy, though some of them seem to have wished for a purely genealogical Society. The present name was intended, as it now is, to express this union of history and genealogy.

In January, 1845, a few weeks after its organization, the Society petitioned for an act of incorporation. Our petition was referred to a committee, the chairman of which was a member of the Massachusetts Historical Society, through whose influence an adverse report was made. This was the first intimation that our members had that the Massachusetts Historical Society, or any of its members, were opposed to the formation of the new Society, or considered it in any way as a rival. This adverse report, however, was not fatal, for the subject was referred to a new committee, by whom a bill incorporating the Society was reported, which passed both houses, and was signed by the governor, March, 1845. The idea is advanced by our opponents, that had we asked in 1845, for the name lately petitioned for, we should have been unsuccessful. There appears to be no ground for such a supposition. On the contrary, from all the sources of information at our command, we have no doubt we could as readily have obtained that name as any other.

The Society early projected the publication of a periodical, and in December, 1845, on the anniversary of the Landing of the Pilgrims, issued a prospectus for "The Genealogical and Antiquarian Register." The next year, the Society having decided to issue the work, arrangements were made with Rev. William Cogswell, D. D., of Gilmanton, N. H., as editor, and Samuel G. Drake, Esq., of this city, as publisher. Through the influence, we believe, of Rev. Dr. Cogswell, who, before this arrangement, had taken no active part in the affairs of the Society, the title of the work was modified, so as to read, "The New England Historical and Genealogical Register," under which name the first number, for January, 1847, appeared, and under which the work has continued to appear for upwards of twelve years. We are accused of taking this name for our periodical "in the very face of the Act of Incorporation"; but it would be difficult to find any clause in that act restricting us in the choice of titles for our publications.

A dissatisfaction with the name, "New England Historic Genealogical Society," soon grew up in the Society, chiefly among the new members; though Mr. Drake informs us that it existed, even at the time of the adoption of the name, in the minds of

some of the original members. The chief of various objections that we have heard made to it is, that it is a combination likely to mislead the public mind as to the design of the Society: the objectors contending that only the genealogy of historic personages would generally be considered as our province, to the exclusion of history and the genealogy of the people, both of which were intended to be included. It was not, however, till the summer of 1855, that a proposition for a change of name was started, and the name then selected, instead of approaching nearer that of the Massachusetts Historical Society, was a move in the opposite direction. It was proposed to call it the "American Archaeological Society," but this name was subsequently changed to the "New England Archaeological Society," and was submitted to a vote of the Society in April, 1856. It was opposed by nearly all the old members, and, on its being put to vote, only four names were recorded in its favor. The chief argument used was, that the Society had been known by its present name for eleven years, and had gained a reputation under it that it was desirable not to lose. One of the persons who objected to the old name, afterwards brought forward that of the "New England Historical and Genealogical Society" as a compromise. This name found favor with the Society. It did not differ from the old name enough to prevent the Society from being readily recognized as the same; while it clearly and unequivocally expressed the objects of the association. In fact, this name had early been applied to the Society, by persons residing at a distance from Boston, and even by some in our immediate neighborhood, who, knowing the Society chiefly through its periodical, were led to confound names which resembled each other so much. The proposed name was approved by the Board of Directors, and by them brought before the Society in December, 1856. At the annual meeting, January, 1857, which was very fully attended, the name was approved without a dissenting voice or vote; and a committee was appointed to petition the Legislature on the subject. The charge that our Society has attempted to do in an underhand way what it did not dare to do openly, has not a particle of evidence to sustain it. The movements which it has been attempted to torture into support of such a theory, did not originate with one person, as supposed, but with several persons; and, as far as we can learn, all of these persons joined the Society long after the imaginary plot is supposed to have been formed. As an evidence that the person who originated the last movement had no desire to see this Society confounded with the Massachusetts Historical Society, we will state that when the name, "New England Archaeological Society," (which would, if adopted, have completely distinguished the two corporations,) was before the Society, he voted for it.

Our opponents have signally failed in showing that this Society had covert designs. Perhaps some guesses at *their* hidden motives, which we have heard from more than one, even among those who are not members of our Society, may be without foundation. We have heard it suggested that the disingenuousness of their remonstrance would seem to indicate that the real opposition to us was not on account of the word "historical" which we asked for, but of the words "New England" which we already had. It has also been suggested, that our opponents show signs of fear that the popular character of our Society,—so perfectly in accordance with American institutions, and precisely similar to that of the most flourishing historical society in this country,—and the liberal manner in which we allow our collections to be used, would give us an advantage over them.

In the volume we are noticing, after reference to the unanswerable pamphlet of our committee last year, it is stated that this "little book" is reported to have "been put into the hands of every member of the Legislature,—a sort of log-rolling emissary," &c. Such contempt and horror of underhand dealings are here expressed that one would hardly imagine that this was only an answer to a document laid early one morning on the desk of every member of the Senate—the very remonstrance reprinted in the volume before us. If it be fair and honest to issue a carefully-worded document, filled with statements which, at least, are open to a reply, we cannot see why a straight-forward answer to it, publicly sent forth, should deserve the epithets here used.

The claim which the Massachusetts Historical Society lay to being "*The* Historical Society" is, perhaps, deserving of a passing notice. The "original draught" of their Society differed in two points from their act of incorporation. In the former, the number of members was limited to thirty, and the association was called "The Historical Society." The Legislature added the word "Massachusetts," to their name, and (as a protest, it may be, against cliques and exclusiveness) raised the number to sixty. The oldest member of their Society has always understood that the number was raised "without, if not contrary to, the wishes of the original associates." Perhaps the word "Massachusetts" was added in the same way. But whether it was done with or without the consent of the associates, it is evident that the Legislature did not intend to incorporate "*The* Historical Society." And yet this name has been assumed; and the successors of those associates now modestly ask the General Court to confirm it to

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them. We could with justice echo the appeal which they so unreasonably make, when referring to our use of the word "historical" in the name of the Register: "Is it possible that the Legislature of Massachusetts will sanction a name thus assumed under such circumstances, not only without, but in defiance of their authority?"

It will be apparent to our readers that the name we have chosen to apply for was adopted without any reference to the Massachusetts Historical Society. Had that society been the only one that bore the word "historical" as a portion of its name, we should have had no desire to have borne it as a portion of ours; but a great and honorable brotherhood of associations, in other parts of the country, had chosen it as their distinctive title. The information, therefore, that one body of men claimed a monopoly in so common a word, was received by us with astonishment. As we recognized no such monopoly, the threat that our petition would be opposed did not deter us from prosecuting it. We knew that we had always endeavored to keep our Society distinct in the public mind from theirs, and that the name we had chosen was thoroughly distinctive; for there were thousands of corporations whose names resembled each other more than ours would theirs. We would not, therefore, be voluntarily dictated to in a matter that concerned ourselves only. Our position is, that the fact of there being a Massachusetts Historical Society is no bar to there being another Historical Society in this city, with a name that is sufficiently distinctive,—a New England, a Suffolk, a Boston, a Methodist, or a Congregational Historical Society, for instance. We care not how many associations there are for the investigation of historical subjects, nor what names they choose to call themselves by, provided they have a distinguishing adjective. It would seem that the Legislature that incorporated the Massachusetts Historical Society, held opinions similar to ours; and foreseeing the claim that would be set up, if they should incorporate it as "The Historical Society," provided what appeared to them a bar to such monopoly. We find, too, that common law, as well as common sense, is on our side: for both teach that property cannot be acquired in any word "known to the language and in common use to designate things or the qualities of things."

The advantage to ourselves of a change of name is slight; and though the injury to our opponents is purely imaginary, our Society may not deem it advisable to make another application to the General Court. The question of the right to monopolize the word "historical" is, however, now fairly before the public; and, whatever our own course may be, we risk little in predicting that our opponents cannot hold the position they have taken, and that they will be overcome by the first collection of individuals who care enough about the matter to persevere. Should our Society decide to pursue the subject farther, there can be no doubt that, sustained as we are by justice and an enlightened public opinion, we must finally prevail.

D.

*By John Ward Dean*

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